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5 Attorneys for the United States

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$16,000.00 IN  
U.S. CURRENCY,

15 Defendant.  
16  
17

1:23-MC-00109-JLT

STIPULATION AND ORDER EXTENDING  
TIME FOR FILING A COMPLAINT FOR  
FORFEITURE AND/OR TO OBTAIN AN  
INDICTMENT ALLEGING FORFEITURE

18 It is hereby stipulated by and between the United States of America and potential claimant  
19 Adriana Jones (“claimant”), by and through their respective counsel, as follows:

20 1. The United States and the Claimants, Plaintiffs in the civil action, *Howard J. Miller, et al*  
21 *v. Juarez Cartel*, Civil Action No 1:20-cv-132; United States District Court for the District of North  
22 Dakota, by and through their attorney, Michael Elsner at Motley Rice LLC, agree to extend the deadline  
23 for the United States to file civil forfeiture complaints on the assets discussed below.

24 2. The Claimants have filed approximately 700 claims in the nonjudicial civil forfeiture  
25 proceedings initiated by the Drug Enforcement Administration and Customs and Border Protection, to  
26 the properties identified in Exhibit A (“the properties”). The Claimants intend this Agreement to apply to  
27 all claims filed by the claimants, even if the property is omitted from Exhibit A.

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1           3.       The claims have been, or are in the process of being, referred to United States Attorneys  
2 Offices across the country.

3           4.       Pursuant to 18 U.S.C. § 983(a)(3)(A) and (B), the United States has 90 days from its  
4 receipt of a claim in a nonjudicial forfeiture proceeding to initiate a judicial forfeiture proceeding against  
5 the properties.

6           5.       The Claimants acknowledge that the deadlines for the United States to file a judicial  
7 forfeiture action against the properties begin to run on or about November 29, 2023.

8           6.       As provided in 18 U.S.C. § 983(a)(3)(A), the Claimants and the United States have agreed  
9 to extend the time within which the United States may file a judicial action for forfeiture against the  
10 properties to give the parties sufficient time to try to resolve these matters before the United States files  
11 or declines to file any such judicial forfeiture action.

12           7.       The Claimants knowingly, intelligently, and voluntarily give up any right they may have  
13 under 18 U.S.C. § 983(a)(3)(A)-(B) to require the United States to file a judicial forfeiture against the  
14 properties covered by this agreement on or before the deadline referenced in paragraphs 4-5 and any right  
15 that they may have to seek dismissal of any civil judicial complaint on the ground that it was not timely  
16 filed.

17           8.       Claimants and the United States agree, that in the event the Claimants seek to file an  
18 amended claim, the United States will not argue that the amended claim is untimely during the course of  
19 the agreed upon extension.

20           9.       Claimants' counsel warrants and represents that counsel is authorized to enter into this  
21 agreement on behalf of the Claimants.

22           10.      The Claimants and the United States agree to extend the deadline by which the United  
23 States may timely file a judicial forfeiture against the properties until February 29, 2024. This extension  
24 is not intended to reduce the time in which the United States may file a judicial forfeiture against any of  
25 the properties (any property for which the statutory deadline is after February 29, 2024). In the event the  
26 February 29, 2024, deadline is not met, Claimants and the United States agree that the Claimants may

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1 assert any rights right they may have under 18 U.S.C. § 983(a)(3)(A)-(B) to require the United States to  
2 file a judicial forfeiture against the properties covered by this agreement.

3 Dated: 12/4/23

PHILLIP A. TALBERT  
United States Attorney

By: /s/ Kevin C. Khasigian  
KEVIN C. KHASIGIAN  
Assistant U.S. Attorney

7 **ATTORNEY FOR CLAIMANTS**

8 Dated: 11/20/23

/s/ Michael Elsner  
MICHAEL ELSNER, ESQUIRE  
New York Bar No. ME8337  
South Carolina Bar No. 72893  
Motley Rice LLC  
28 Bridgeside Blvd.  
Mt. Pleasant, South Carolina 29464  
Phone: 843-216-9250  
Email: [melsner@motleyrice.com](mailto:melsner@motleyrice.com)

(Signature retained by attorney)

16 IT IS SO ORDERED.

18 Dated: **December 7, 2023**

  
UNITED STATES DISTRICT JUDGE